

1 children, and other potentially exposed or susceptible  
2 subpopulations.

3 “(4) SCHEDULE.—The Administrator shall con-  
4 vene the Committee in accordance with such sched-  
5 ule as the Administrator determines to be appro-  
6 priate, but not less frequently than once every 2  
7 years.

8 “(p) PRIOR ACTIONS.—

9 “(1) RULES, ORDERS, AND EXEMPTIONS.—  
10 Nothing in the Frank R. Lautenberg Chemical Safe-  
11 ty for the 21st Century Act eliminates, modifies, or  
12 withdraws any rule promulgated, order issued, or ex-  
13 emption established pursuant to this Act before the  
14 date of enactment of the Frank R. Lautenberg  
15 Chemical Safety for the 21st Century Act.

16 “(2) PRIOR-INITIATED EVALUATIONS.—Nothing  
17 in the Frank R. Lautenberg Chemical Safety for the  
18 21st Century Act prevents the Administrator from  
19 initiating a risk evaluation regarding a chemical sub-  
20 stance, or from continuing or completing such risk  
21 evaluation, prior to the effective date of the policies,  
22 procedures, and guidance required to be developed  
23 by the Administrator under this section or section 6.

24 “(3) ACTIONS COMPLETED PRIOR TO COMPLE-  
25 TION OF POLICIES, PROCEDURES, AND GUIDANCE.—

**Commented [A48]:** SLC treats (p)(1) as a separate subsection; treats (p)(2) and (p)(3) as (q)(1) and (q)(2).

**Commented [A49]:** “this Act” – SLC version

**Commented [A50]:** “this Act” – SLC version

**Commented [A51]:** “established” – SLC version

N

1 Nothing in the Frank R. Lautenberg Chemical Safe-  
2 ty for the 21st Century Act requires the Adminis-  
3 trator to revise or withdraw a completed risk evalua-  
4 tion, determination, or rule under this Act solely be-  
5 cause the action was completed prior to the develop-  
6 ment of a policy, procedure, or guidance under sub-  
7 section (l).”.

**Commented [A52]:** “this Act, or the amendments made by this Act” – SLC version

**Commented [A53]:** Not in SLC version  
HLC clarification seems correct.

**Commented [A54]:** “completion” in SLC version

**Commented [A55]:** “new” in SLC version

**Commented [A56]:** SLC says “under this section or section 6”

This is a significant discrepancy. Just referring to subsection (l) would be sending a very definite signal that Congress intended other policies and procedures (i.e., those established under 6) to give rise to obligations to revise or withdraw completed risk evaluations, determinations, and rules that were developed prior to the policies and procedures being finished.

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/16/2016 8:28:00 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]; Deveny, Adrian (Merkley) [Adrian\_Deveny@merkley.senate.gov]; 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Sen. Markey TSCA TA request on replacement parts

Michal,  
This TA responds to the request on replacement parts.

We have a couple of suggestions and questions. First, we would suggest simplifying the complex consumer good definition a bit by putting a period after the word replace. We do not think it is necessary to keep the phrase about redesigning the article.

Second, we are concerned that the word "many" is open to a range of interpretations and would suggest a number so that it is defined in a manner similar to complex durable goods. We don't know the right number to keep the items of concern within the definition but, without a number, EPA will be left to decide what "many" means in this context without much basis to decide.

Finally, would it make sense to include in lieu of the numerical criterion, or perhaps in addition to the numerical criterion, language that would limit this to electronic devices or electronic or mechanical devices?

This TA only responds to changes since the last version at the time we were reviewing. All previously offered TA is still germane to the extent the provision has not changed since the TA was offered. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

**From:** "Freedhoff, Michal (Markey)" <Michal\_Freedhoff@markey.senate.gov>  
**Date:** April 16, 2016 at 3:27:08 PM EDT  
**To:** "Sven-Erik Kaiser (Kaiser.Sven-Erik@epamail.epa.gov)" <Kaiser.Sven-Erik@epamail.epa.gov>  
**Cc:** "Deveny, Adrian (Merkley)" <Adrian\_Deveny@merkley.senate.gov>, "Black, Jonathan (Tom Udall)" <Jonathan\_Black@tomudall.senate.gov>  
**Subject:** FW: replacement parts

Sven  
There is a concern that the definition of complex durable goods may exclude things like cell phones, which may not have an intended useful life of 5 or more years, or smaller articles that contain semiconductors, which may not have 100 or more manufactured components. I've attempted to come up with a second defined term that is intended to exempt these types of goods while not bringing back in the couch seat cushion covers, baby stuff, etc. Could you please take a look?

Thanks

D) for complex durable goods and complex consumer goods, exempt replacement parts that are designed prior to the date of publication in the Federal Register of the rule, unless the Administrator finds such replacement parts contribute significantly to the risk, identified in a risk evaluation conducted under subsection (b) for the chemical substance or for a chemical substance contained in a mixture, to the general population or to an identified potentially exposed or susceptible **subpopulation** ; and

Added definitions:

‘Complex durable goods’ are manufactured goods composed of 100 or more manufactured components, with an intended useful life of five or more years, where the product is typically not consumed, destroyed, or discarded after a single use.

‘Complex consumer goods’ are manufactured goods composed of many manufactured components, with an intended useful life of three or more years, where the product is typically not consumed, destroyed, or discarded after a single use, and the components of which would be impracticable to redesign or replace without redesigning the articles of which they are a part.

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey



<image002.png>



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/22/2016 12:03:02 AM  
**To:** Zipkin, Adam (Booker) [Adam\_Zipkin@booker.senate.gov]  
**CC:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Re: Sen. Booker TSCA TA request on Voluntary non-animal testing

Adam,  
Got it - checking. Thanks,  
Sven

On Apr 21, 2016, at 7:59 PM, Zipkin, Adam (Booker) <Adam\_Zipkin@booker.senate.gov> wrote:

Sven thank you for this.

If the proposed language that I indicated below was in fact added in -- on page 6 at the end of line 23 "Nothing in this paragraph shall, under any circumstance, limit or restrict the submission of any existing information to the Administrator." after "vertebrate animal testing." -- would this language eliminate the concern stated in bullet # 2 below that "Read literally, the provision might completely bar anyone from submitted data voluntarily if EPA has not identified an alternative method. We understand the intent to be that the provision applies only to the extent that EPA has in fact identified alternative methods, but it is not actually (or at least clearly) so limited." ?

---

**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Thursday, April 21, 2016 7:44 PM  
**To:** Zipkin, Adam (Booker) <Adam\_Zipkin@booker.senate.gov>; Black, Jonathan (Tom Udall) <Jonathan\_Black@tomudall.senate.gov>  
**Subject:** Sen. Booker TSCA TA request on Voluntary non-animal testing

Adam and Jonathan,  
This TA responds to the request on voluntary non-animal testing.

**Does EPA have a concern that voluntary tests look to non-animal testing first will lead to less information getting to EPA?**

Response: EPA does have some concern that this provision could result in EPA's getting less information than it otherwise would, for two reasons:

- <!--[if !supportLists]--><!--[endif]-->Entities that might want to develop data but do not want to undertake whatever additional burdens might be associated with alternative methods identified by EPA might be discouraged from developing the data.
- <!--[if !supportLists]--><!--[endif]-->Read literally, the provision might completely bar anyone from submitted data voluntarily if EPA has not identified an alternative method. We understand the intent to be that the provision applies only to the extent that EPA has in fact identified alternative methods, but it is not actually (or at least clearly) so limited.

We also note that the provision could call into question EPA's authority to use information that is submitted without compliance with the provision. The Senate bill and offer provided that nothing in the provision required the Administrator to review the basis on which the submitter conducted the tests, but that text has been stricken.

This TA only responds to changes since the last version at the time we were reviewing. All previously offered TA is still germane to the extent the provision has not changed since the TA was offered. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments. Please let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**From:** Zipkin, Adam (Booker) [[mailto:Adam\\_Zipkin@booker.senate.gov](mailto:Adam_Zipkin@booker.senate.gov)]  
**Sent:** Thursday, April 21, 2016 5:55 PM  
**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>; Black, Jonathan (Tom Udall) <[Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)>  
**Subject:** Re: Sen. Booker TSCA TA request on Voluntary non-animal testing

And FYI this edit is now being proposed to the Voluntary Testing paragraph. The page/line track to the doc sent over last night:

4) Page 6, Line 23, please add the sentence "Nothing in this paragraph shall, under any circumstance, limit or restrict the submission of any existing information to the Administrator." after "vertebrate animal testing.";

---

**From:** Kaiser, Sven-Erik  
**Sent:** Thursday, April 21, 2016 5:50 PM  
**To:** Black, Jonathan (Tom Udall)  
**Cc:** Zipkin, Adam (Booker)  
**Subject:** Re: Sen. Booker TSCA TA request on Voluntary non-animal testing

Ok

On Apr 21, 2016, at 5:47 PM, Black, Jonathan (Tom Udall) <[Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)> wrote:

I think still helpful.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Kaiser, Sven-Erik  
**Sent:** Thursday, April 21, 2016 5:22 PM  
**To:** Black, Jonathan (Tom Udall)  
**Cc:** Zipkin, Adam (Booker)  
**Subject:** Sen. Booker TSCA TA request on Voluntary non-animal testing

Adam and Jonathan,  
Do you still need TA on this question? Thanks,  
Sven

On Apr 20, 2016, at 6:06 PM, Black, Jonathan (Tom Udall) <[Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)> wrote:

Sven, Adam with Sen Booker will elaborate, but there has been a concern raised about the Senate animal testing language that it will lead to EPA getting less information.

Does EPA have a concern that voluntary tests look to non-animal testing first will lead to less information getting to EPA?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/11/2016 10:10:14 PM  
**To:** Michal\_Freedhoff@markey.senate.gov  
**Subject:** Sen. Markey TSCA TA request on PBTs (Conf Proposal) - followup

Michal,  
This responds to the TA request on PBTs.

Three of the identified 23 non-Workplan chemicals are either metals or metal compounds: (1) mercury and mercury compounds, (2) zinc oxide, and (3) stannane, tributyl.

Please let me know if any additional questions. Thanks,

Sven

---

**From:** Freedhoff, Michal (Markey) [[mailto:Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)]  
**Sent:** Monday, April 11, 2016 2:48 PM  
**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>  
**Subject:** Re: Sen. Markey TSCA TA request on PBTs (Conf Proposal)

Ty. How many of the 23 are metals?

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

---

**From:** Kaiser, Sven-Erik  
**Sent:** Monday, April 11, 2016 2:39 PM  
**To:** Freedhoff, Michal (Markey)  
**Subject:** Sen. Markey TSCA TA request on PBTs (Conf Proposal)

Michal,  
This TA responds to the request on PBTs.



We see a number of unresolved issues in this draft (see attached comments).

In response to your question about how many PBT chemical substances would likely be captured by this language if it were not limited to chemical substances already on the EPA Workplan, EPA does not have an exact answer. However, a 2013 rescoring of just 345 chemicals – a small subset of TSCA inventory – revealed 41 chemicals (23 non-Workplan and 18 Workplan chemicals) that would meet the bill's high-high/moderate criteria for P and B. (Note that some of these chemicals are metals, and therefore excluded from the risk management requirements). Application of the bill's criteria to the full TSCA Inventory is likely to yield an even higher number of identified PBT chemicals, and a significant increase in EPA's risk management workload.

This TA only responds to changes since the last version at the time we were reviewing. All previously offered TA is still germane to the extent the provision has not changed since the TA was offered. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any additional questions. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

**From:** "Freedhoff, Michal (Markey)" <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)>

**Date:** April 11, 2016 at 6:56:33 AM EDT

**To:** "Kaiser, Sven-Erik" <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>

**Subject:** Re: Sen. Markey TSCA TA request on PBTs 04-09-16PBT (Conf Proposal)

Quick followup

The House bill has a 9 month process for epa to identify high pbts. Did EPA ever provide TA or consider what that process would result in? Are there many more high PBTS out there that are not on the workplan?

Thx

M

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

---

**From:** Kaiser, Sven-Erik

**Sent:** Sunday, April 10, 2016 2:48 PM

**To:** Freedhoff, Michal (Markey)

**Subject:** Re: Sen. Markey TSCA TA request on PBTs 04-09-16PBT (Conf Proposal)

Michal,

Thanks for the draft- checking on the question. Best,

Sven

On Apr 10, 2016, at 2:46 PM, Freedhoff, Michal (Markey)  
<[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

Thanks. new draft attached. pls take a look to see if earlier qs answered.

IN your view, what is the difference between "likely exposure" and "exposure" – both were used in this draft and I have made them all "likely" for now.

Thanks

m

Michal Ilana Freedhoff, Ph.D.

Director of Oversight & Investigations

Office of Senator Edward J. Markey

255 Dirksen Senate Office Building

Washington, DC 20510

202-224-2742

Connect with Senator Markey

<image001.png><image002.png><image003.png><image004.jpg>

---

**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]

**Sent:** Sunday, April 10, 2016 1:39 PM

**To:** Freedhoff, Michal (Markey)

**Subject:** Sen. Markey TSCA TA request on PBTs 04-09-16PBT (Conf Proposal)

Michal- see attached TA requested on PBTs.

This TA only responds to changes since the last version at the time we were reviewing. All previously offered TA is still germane to the extent the provision has not changed since the TA was offered. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any questions. Thanks,

Sven

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Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/20/2016 3:41:40 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey TSCA TA Request on the end of section 26

Michal – got it, checking. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Wednesday, April 20, 2016 11:40 AM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** Fw: This Act at the end of 26

Can you run this trap? Would also apply to the language on 17. Should it go in all of subsection (p)?

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

---

**From:** Karakitsos, Dimitri (EPW) <Dimitri\_Karakitsos@epw.senate.gov>  
**Sent:** Wednesday, April 20, 2016 11:37 AM  
**To:** Freedhoff, Michal (Markey)  
**Subject:** This Act at the end of 26

Nothing in this Act requires the Administrator to revise or withdraw a completed risk evaluation, determination, or rule solely because the action was completed prior to the development of a policy, procedure, or guidance under the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act.

Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/6/2016 4:26:19 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**CC:** Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]; Deveny, Adrian (Merkley) [Adrian\_Deveny@merkley.senate.gov]; Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Re: SEPW TSCA TA RE: section 4 - Senate Counter

Michal,  
Got it - checking. Thanks,  
Sven

On Apr 6, 2016, at 12:25 PM, Freedhoff, Michal (Markey) <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

Quick question back to you:

We're maintaining current 4(a)(1) as you see. We'll explore the 6(a) issue there (we were hoping it was merely redundant but see from your TA that it is not).

But the question of changing data to information in 4(a)(1) – I was trying to be minimal in changes to that text, and so left in “data” in the backwards-looking parts of 4(a) that refer to the justifications for getting new information, but made the switch to the parts of 4(a)(1) that specifies what types of information EPA can REQUEST. But I'm still seeing your comment and am wondering if you can suggest a minor word change to address this (minor tweaks to (b)(2)(A) also happily accepted and perhaps even preferred)?

“The change from data to information is probably helpful, but it does not address the main source of ambiguity in TSCA as to the scope of section 4: the phrase “testing. . . on a chemical substance.” This formulation could give rise to arguments that, for example, EPA cannot require monitoring for the presence of a chemical in the environment, because this is not testing on a chemical. Such a limited interpretation of “testing on a chemical” might be supported by (b)(2)(A), retained here, which describes the allowable types of tests in terms of toxicity and other attributes of the chemical itself, rather than in terms of its presence or absence.”

Thanks  
m

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey  
<image001.png><image002.png><image003.png><image004.jpg>

---

**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Wednesday, April 06, 2016 11:50 AM  
**To:** Freedhoff, Michal (Markey)  
**Cc:** Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Black, Jonathan (Tom Udall)  
**Subject:** SEPW TSCA TA RE: section 4 - Senate Counter



Michal – Please see attached TA responding to the request on the draft Senate counter to the House offer on section 4. Note that there are track changes comments that might not show up on a phone. Please let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [[mailto:Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)]  
**Sent:** Tuesday, April 05, 2016 2:34 PM  
**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>  
**Cc:** Karakitsos, Dimitri (EPW) <[Dimitri\\_Karakitsos@epw.senate.gov](mailto:Dimitri_Karakitsos@epw.senate.gov)>; Deveny, Adrian (Merkley) <[Adrian\\_Deveny@merkley.senate.gov](mailto:Adrian_Deveny@merkley.senate.gov)>; Black, Jonathan (Tom Udall) <[Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)>  
**Subject:** section 4

Sven

Attached is a new Section 4 that we need TA on. Generally, it can be described as:

- Existing TSCA 4(a)(1) and 4(a)(2) (mostly)
- In addition to that, Senate text on other circumstances that allow testing, by rule or order or consent agreement
- Other changes to things like ITC and 4(f) that have been discussed/proposed by various parties
- All (I hope) the conforming changes the House offer removed or didn't do

Please give it a careful read and let us know of any issues.

Senate colleagues – note I did not strike and replace the animal testing language but just bracketed it to reflect ongoing discussions. Let me know if you want a different approach there.

Thanks  
michal

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 12/12/2016 4:56:04 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey Inquiry on TSCA Section 6(h) and Preemption

Michal,

This responds to the request on PBTs subject to TSCA section 6(h) and possible preemption.

**Question:** I would like to know whether the 5 PBTS subject to 6(h) will be subjected to 18(a) preemption. Section 18(a)(1)(B) references state actions for substances in (i), that have had a determination made under 6(i)(1), and in (ii), that have a 6(a) rule issued for them. There will never be a determination made under 6(i)(1) for the 5 PBTS, and there will never be a risk evaluation done that would allow consistency with 6(b)(4)(D) for a 6(a) rule for these chemicals either. Seems to me states could argue that things they may require for these chemicals are not subject to 18(a) preemption. Can I get your read?

**Response:** Pursuant to TSCA 6(h)(1), EPA is required to promulgate TSCA 6(a) rules for certain chemicals that are persistent, bioaccumulative, and toxic. Under TSCA 18(a)(1)(B)(ii), state laws or actions on chemicals for which TSCA 6(a) rules have been promulgated are subject to preemption, "consistent with the scope of the risk evaluation." TSCA 18(b) pause preemption is similarly tied to the "scope of the risk evaluation." EPA is not required to conduct risk evaluations on TSCA 6(h)(1) chemicals per TSCA 6(h)(3), and EPA does not anticipate that risk evaluations will be conducted on these chemicals.

While TSCA 18(c)(3) provides that the scope of preemption following a TSCA 6(a) rule is governed by the hazards, exposures, risks, and uses or conditions of use included in any final action taken under TSCA 6(a), EPA does not read that provision as expanding the scope of preemption established by TSCA 18(a)(1)(B)(ii). Rather, EPA reads the provision as consonant with TSCA 18(a)(1)(B)(ii) because a TSCA 6(a) rule for a chemical will effectively affirm that any activities found not to present unreasonable risk in the risk evaluation and therefore not regulated in TSCA 6(a) rule do not present unreasonable risk, and will therefore include those activities.

EPA therefore anticipates that state laws or actions addressing TSCA 6(h)(1) chemicals will not be subject to preemption under TSCA 18. This does not apply to TSCA 6(h)(1) chemicals that a manufacturer has requested be subjected to a risk evaluation pursuant to TSCA 6(b)(4)(C)(ii), since those chemicals are no longer subject to TSCA 6(h), with the exception of additional limitations outlined in TSCA 6(h)(5).

Please let me know if any additional questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** "Freedhoff, Michal (Markey)" <Michal\_Freedhoff@markey.senate.gov>  
**Date:** October 12, 2016 at 9:33:49 AM EDT  
**To:** "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>  
**Subject:** Section 6(h) TA request

Sven

I would like to know whether the 5 PBTS subject to 6(h) will be subjected to 18(a) preemption.

Section 18(a)(1)(B) references state actions for substances in (i), that have had a determination made under 6(i)(1), and in (ii), that have a 6(a) rule issued for them. There will never be a determination made under 6(i)(1) for the 5 PBTS, and there will never be a risk evaluation done that would allow consistency with 6(b)(4)(D) for a 6(a) rule for these chemicals either.

Seems to me states could argue that things they may require for these chemicals are not subject to 18(a) preemption. Can I get your read?

Thanks  
Michal

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight and Investigations  
Office of Senator Edward J. Markey (D-MA)

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 2/25/2016 2:59:34 PM  
**To:** 'Cohen, Jacqueline' [jackie.cohen@mail.house.gov]  
**Subject:** HEC Min TSCA TA Request on Prior Actions

Jacqueline,

Regarding the request about a list of prior rules under sections 5 and 6 potentially impacted by preemption changes (PCB issue), we're not finding a list I can forward. I'm checking to see what we can put together quickly. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 3/3/2016 11:19:41 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** RE: Sen. Markey TSCA TA Request on Risk Evaluation Process

Michal - What priority for the outstanding requests on 5 (non risk factors) and 8? Thanks, Sven

Also – if you have any urgent requests tomorrow and can't get me, please contact Ryan Schmit at 202-564-0610, [schmit.ryan@epa.gov](mailto:schmit.ryan@epa.gov). Thanks again, Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Thursday, March 03, 2016 6:16 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** RE: Sen. Markey TSCA TA Request on Risk Evaluation Process

Thanks. our text went final earlier this afternoon. Pls tell your team that we have retained the 697 language that says that you're allowed to keep doing stuff while policies etc are being developed. We'll obviously want to keep working with you to refine/tweak. I don't think your changes would be a problem to incorporate as they reflect the actualization of a policy both chambers agree to. I'm sorry we couldn't wait, and appreciate all your help these past weeks!

(4) Prior Actions and Notice of Existing Information.—

(A) PRIOR-INITIATED EVALUATIONS.—

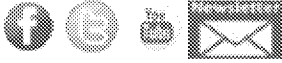
(i) IN GENERAL.—Nothing in this Act prevents the Administrator from initiating a risk evaluation regarding a chemical substance, or from continuing or completing such risk evaluation, prior to the effective date of the policies, procedures, and guidance required to be established by the Administrator under this section.

(ii) INTEGRATION OF PRIOR POLICIES AND PROCEDURES.—As policies and procedures under this section are established, to the maximum extent practicable, the Administrator shall integrate the policies and procedures into ongoing risk evaluations.

(B) ACTIONS COMPLETED PRIOR TO COMPLETION OF POLICIES AND PROCEDURES.—Nothing in this Act requires the Administrator to revise or withdraw a completed risk evaluation, determination or rule solely because the action was completed prior to the completion of a policy or procedure established under this section.

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey



---

**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Thursday, March 03, 2016 6:08 PM  
**To:** Freedhoff, Michal (Markey)  
**Subject:** Sen. Markey TSCA TA Request on Risk Evaluation Process

Michal - the attached document responds to your TA request on risk evaluation process. Please let me know if any additional questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [[mailto:Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)]  
**Sent:** Wednesday, March 02, 2016 6:18 PM  
**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>  
**Subject:** quick turnaround pls

Does this work

**(4) RISK EVALUATION PROCESS AND DEADLINES.—**

- (A) IN GENERAL.—The Administrator shall conduct risk evaluations pursuant to this paragraph to determine, without consideration of costs or other non-risk factors whether a chemical substance presents, in the absence of requirements under subsection (a), an unreasonable risk of injury to health or the environment under the conditions of use, including an unreasonable risk to a potentially exposed or susceptible population identified as relevant to the risk evaluation by the Administrator.
- (B) Not later than 1 year after enactment, the Administrator shall establish, by rule, a process to conduct risk evaluations in accordance with subparagraph (A).
- (C) The Administrator shall conduct and publish a risk evaluation, in accordance with the rule promulgated under subparagraph (B), for a chemical substance—
  - (i) that has been identified under paragraph (2)(A) or designated under paragraph (1)(B)(i); and
  - (ii) subject to subparagraph (F), that a manufacturer of the chemical substance has requested, in a form and manner and using the criteria prescribed by the Administrator in the rule promulgated under subparagraph (C), be subjected to a risk evaluation.
- (D) The Administrator shall, as soon as practicable and not later than 6 months of each designation of a high priority substance, publish the scope of the risk evaluation to be conducted, including the hazards, exposures, conditions of use and the potentially exposed or susceptible populations the Administrator expects to consider.

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510

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**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Wednesday, March 02, 2016 12:09 PM  
**To:** Freedhoff, Michal (Markey)  
**Subject:** Sen. Markey TSCA TA Request on Section 6 - quick unreasonable risk q

Michal,  
This responds to your TA request on risk evaluations and unreasonable risk. Please let me know if any additional questions. Thanks,  
Sven

Although there is too little detail to evaluate definitively, we have significant concerns with this proposed construct.

As you've described it, all risk management rules would still be subject to the current TSCA unreasonable risk standard, and EPA would still be limited by the same cost-benefit balancing analyses that have prevented effective action on chemicals in the past.

We also don't see the value in requiring EPA to issue a rule regarding risk evaluation with a preordained outcome: don't consider cost or other non-risk factors. This process will consume a significant amount of EPA time and resources, and delay the business of evaluating chemicals and protecting against identified risks. If Congress wants to preclude EPA from considering such factors in this context, the far more direct way to do so is by statutory directive.

Finally, if EPA is required to act by rule, commenters (and litigants) will likely argue that Congress must have intended EPA to have some discretion in the rulemaking, and will likely point to the authority to consider cost as part of the risk management rulemaking to argue that EPA should be able to factor cost in some fashion into the underlying safety standard. As such, this proposed approach seems likely to leave unsettled for a protracted period of time the most significant TSCA policy shift made in both bills.

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [[mailto:Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)]  
**Sent:** Tuesday, March 01, 2016 4:53 PM  
**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>  
**Subject:** Section 6 - quick unreasonable risk q

Here is a construct being discussed:

1) epa promulgates a rule for how risk evaluations are supposed to be conducted - study a chemical to decide whether it poses an unreasonable risk, and don't consider costs/non-risk factors - the unreasonable risk "fix" is made in the rule itself.

2) later in the section, we tell people to conduct a risk evaluation in accordance with the rule above, in order to figure out whether the substance poses an unreasonable risk, but I do NOT remove cost consideration in this place because of the reference to the RULE, which does require the fix.

Any concerns with this description re "unreasonable risk"?

Thanks

Michal

Michal Ilana Freedhoff, Ph.D.

Director of Oversight and Investigations

Office of Senator Edward J. Markey (D-MA)



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/14/2016 11:19:16 AM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Re: Sen. Markey TSCA TA request on section 6

Michal,

Availability for a call at 9am to discuss comments on section 6? If yes, please call Ex. 6 - Personal Privacy Thanks,  
Sven

On Apr 14, 2016, at 7:13 AM, Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)> wrote:

Michal,

This responds to the TA request on section 6.

This TA only responds to changes since the last version at the time we were reviewing. All previously offered TA is still germane to the extent the provision has not changed since the TA was offered. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any additional questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [[mailto:Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)]  
**Sent:** Wednesday, April 13, 2016 3:13 PM  
**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>  
**Subject:** section 6

Sven

This is HLC section 6. Pls take a look.

Thanks

M

<Markey.TSCA TA.Section 6(4-13).docx>

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 11/22/2016 10:37:17 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** RE: EPA Briefing on TSCA New Chemicals Review Program

Happy thanksgiving!

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Tuesday, November 22, 2016 5:29 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** RE: EPA Briefing on TSCA New Chemicals Review Program

Thanks. JB and I were coordinating on this – appreciate it.

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey



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**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Tuesday, November 22, 2016 5:13 PM  
**To:** Freedhoff, Michal (Markey) <Michal\_Freedhoff@markey.senate.gov>  
**Subject:** EPA Briefing on TSCA New Chemicals Review Program

Michal - heads up that EPA will be briefing congressional staff on the TSCA New Chemicals Review Program on Mon, Dec 12 at 2pm in 406 Dirksen. The briefing provides an opportunity to discuss greater detail on progress under TSCA reform. It's a bipartisan, bicameral briefing -- please feel free to extend the invitation to interested staff. Please let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 11/22/2016 10:12:34 PM  
**To:** Michal\_Freedhoff@markey.senate.gov  
**Subject:** EPA Briefing on TSCA New Chemicals Review Program

Michal - heads up that EPA will be briefing congressional staff on the TSCA New Chemicals Review Program on Mon, Dec 12 at 2pm in 406 Dirksen. The briefing provides an opportunity to discuss greater detail on progress under TSCA reform. It's a bipartisan, bicameral briefing -- please feel free to extend the invitation to interested staff. Please let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 12/12/2016 3:57:33 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** RE: Sen. Markey TA on draft PCB bills

Working on it – folks noticed after sending that there were some unresolved issues in the TA. Thanks, Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

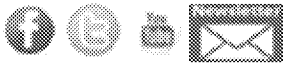
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**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Monday, December 12, 2016 9:57 AM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** RE: Sen. Markey TA on draft PCB bills

Any details on timing you can share? thanks

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey



---

**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Friday, December 9, 2016 6:49 PM  
**To:** Freedhoff, Michal (Markey) <Michal\_Freedhoff@markey.senate.gov>  
**Subject:** Re: Sen. Markey TA on draft PCB bills

Apologies for the hold up.

On Dec 9, 2016, at 5:03 PM, Freedhoff, Michal (Markey) <Michal\_Freedhoff@markey.senate.gov> wrote:

Are there new drafts coming? And also, ETA on the TSCA qs that are still pending?

Thanks

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building

Washington, DC 20510  
202-224-2742

Connect with Senator Markey

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**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]

**Sent:** Thursday, December 8, 2016 2:16 PM

**To:** Freedhoff, Michal (Markey) <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)>

**Subject:** Sen. Markey TA on draft PCB bills

Michal,

The attached documents respond to Sen. Markey's TA request on draft PCB bill language.

The revisions to section 501(a) would require, rather than simply authorize (as in current Title V), EPA to provide grants as set forth in the section. As written, this provision could be interpreted to require the Agency to fund grants under this provision even if no funds are specifically appropriated for this purpose. In EPA's other grant authorities, "shall" is used in conjunction with an allotment formula to direct the Agency to adhere to a statutory allotment formula for distribution of the funds or in conjunction with a direction to create an allotment formula. Another common scenario for the use of "shall" is to direct that an amount of funds appropriated be used only for the purpose for which the funds were appropriated or to specify percentages for the use of funds appropriated for more than one activity. In this draft legislation the term "shall" isn't linked to an allotment formula or an appropriation amount. It isn't clear from the language in 501(b) whether the drafters intend EPA to create an allotment formula as part of the relevant regulations and guidelines. It also isn't clear from the draft language whether the Agency is expected to fund grants under this section in the event that specific funds are not appropriated. Assuming that the intention is to have EPA develop an allotment formula in the regulations or guidelines, EPA offers an edit to make that clear.

This language is provided by EPA as technical assistance in response to a congressional request. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and comments.

Please let me know if any additional questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 2/10/2016 11:13:11 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** FW: URGENT FW: Sen. Markey TSCA TA - Senate section 4

Michal,  
Below is the last piece of urgent TA on Senate section 4. The other TA requests are in process. Thanks,  
Sven

Someone has just proposed the following savings clause to be added to the end of section 4. I do not know whether it is truly conforming and am also not sure what it is intended to accomplish. Can you pls check it out?

(b) Conforming Amendment.—Section 104(i)(5)(A) of the Comprehensive[A1] Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(5)(A)) is amended in the third sentence by inserting “(as in effect on the day before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act)” after “Toxic Substances Control Act[A2]”.

EPA Response: Compared to the bill language passed out of the Senate, this proposal would raise the bar for EPA to require testing under Section 4, requiring the Agency to find both a “reasonable basis of concern about the potential risk” AND that testing is necessary for one of the specified purposes in 4(a)(1)(A)-(D). The bar for testing is still lower than current law, which requires a finding that a chemical either “may present an unreasonable risk” or has substantial volume/exposure. Moreover, EPA is finding it difficult to imagine a scenario in which there would be such an absence of chemical data (or any other scenario) as to perpetuate the catch-22.

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 12/12/2016 3:42:51 PM  
**BCC:** Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdc3eb96e8b78-Distefano,]; Brown, Tristan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2524f58c2f0442cbbd025cdcbd4d1f7e-Hilton, Tri]; Strauss, Linda [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=301660ea0f7845769db2210317516451-Strauss, Linda]; Walsh, Ed [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=51f3bac3af644626b6a70f087751baca-EWalsh]; Blizzard, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b4c40b04e4714d36a2c11beefc3a9d13-JBLIZZ]; 'anne\_knapke@klobuchar.senate.gov' [anne\_knapke@klobuchar.senate.gov]; 'jonathan.gilbert@mail.house.gov' [jonathan.gilbert@mail.house.gov]; 'micah\_barbour@warner.senate.gov' [micah\_barbour@warner.senate.gov]; 'Segal, Alexis (Feinstein)' [Alexis\_Segal@feinstein.senate.gov]; 'anna\_yu@blumenthal.senate.gov' [anna\_yu@blumenthal.senate.gov]; 'Chuzi, Amanda (Kaine)' [Amanda\_Chuzi@kaine.senate.gov]; 'Adrienne\_Wojciechowski@Judiciary-dem.senate.gov' [Adrienne\_Wojciechowski@Judiciary-dem.senate.gov]; 'ben\_curry@burr.senate.gov' [ben\_curry@burr.senate.gov]; 'kayla\_dolan@tillis.senate.gov' [kayla\_dolan@tillis.senate.gov]; 'peter\_stegner@crapo.senate.gov' [peter\_stegner@crapo.senate.gov]; 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]; 'mark.fowler@mail.house.gov' [mark.fowler@mail.house.gov]; 'katie\_thomas@sanders.senate.gov' [katie\_thomas@sanders.senate.gov]; 'Bodine, Susan (EPW)' [Susan\_Bodine@epw.senate.gov]; 'Jackson, Ryan (EPW)' [Ryan\_Jackson@epw.senate.gov]; 'Poirier, Bettina (EPW)' [Bettina\_Poirier@epw.senate.gov]; 'Albritton, Jason (EPW)' [Jason\_Albritton@epw.senate.gov]; 'Fox, Thomas (EPW)' [Thomas\_Fox@epw.senate.gov]; 'Couri, Jerry' [JerryCouri@mail.house.gov]; 'Cohen, Jacqueline' [jackie.cohen@mail.house.gov]; 'Fruci, Jean' [Jean.Fruci@mail.house.gov]  
**Subject:** EPA Notification: Formaldehyde Final Rule

Heads up that the final formaldehyde rule published in the Federal Register today

- <https://www.federalregister.gov/documents/2016/12/12/2016-27987/formaldehyde-emission-standards-for-composite-wood-products>. The rule implements the Formaldehyde Standards for Composite Wood Products Act, which added Title VI to TSCA. The TSCA Title VI provisions are intended to reduce formaldehyde emissions from composite wood products, which will reduce exposures to formaldehyde and result in benefits from avoided adverse health effects. The final rule is effective February 10, 2017.

To support formaldehyde rule implementation, EPA is hosting webinars this week that will cover the requirements of the final rule. There will be separate webinars specific to the different categories of entities regulated under the final rule and they will include a Q&A session with EPA staff. EPA will also host separate webinars for Accreditation Bodies and Third Party Certifiers involved in the Third-Party Certification program on how to use Central Data Exchange platform to submit applications and reports to EPA.

Please visit the EPA's formaldehyde website [here](#) for webinar dates, links, and call-in telephone numbers.

Please let me know if any questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 2/10/2016 9:27:03 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** RE: URGENT FW: Sen. Markey TSCA TA - Senate section 4

Michal – I rushed the response and did not clean up the internal EPA emails. If forwarding, please delete the underlying emails with folks addresses. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Kaiser, Sven-Erik  
**Sent:** Wednesday, February 10, 2016 4:24 PM  
**To:** 'Freedhoff, Michal (Markey)' <Michal\_Freedhoff@markey.senate.gov>  
**Subject:** FW: URGENT FW: Sen. Markey TSCA TA - Senate section 4

Michal – below is additional TA on the section 4 question. We're still working on the other question (below) and we'll get you that as soon as possible. Thanks,  
Sven

This is a proposal that came to me. Does EPA believe that the highlighted text replicates or raises concerns in any way related to the existing TSCA Catch 22 in current 4(a)? Even though it is not an unreasonable risk finding, could EPA, for example, look at a PMN notice, conclude that it knows nothing whatsoever about the new chemical, and then not be able to assert that it has a "reasonable basis of concern about the potential risk of the substance or mixture"? I think the finding would be easy to make under section 6 since there would already be a risk evaluation under way, and presumably same for (B). I am not sure what problems might exist under (C) below, and in (D), but am open to hearing your thoughts. I also need a response on the other section 4 question I sent you yesterday.

(a) TESTING REQUIREMENTS.—

“(1) IN GENERAL.—The Administrator may by rule, order, or consent agreement require testing to develop new information relating to a chemical substance or mixture in accordance with this section if the Administrator determines that there is a reasonable basis of concern about the potential risk of the substance or mixture, and[MF1] the information is necessary—

“(A) to review a notice under section 5(d) or to perform a risk evaluation under section 6;

“(B) to implement a requirement imposed in a rule, consent agreement or order issued under section 5(d) or under a rule promulgated under section 6(a);

“(C) pursuant to section 12(a)(4);

“(D) at the request of the implementing authority under another Federal law, to meet the regulatory testing needs of that authority; or

Sven-Erik Kaiser



U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Grant, Brian

**Sent:** Wednesday, February 10, 2016 3:58 PM

**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>; Jones, Jim <[Jones.Jim@epa.gov](mailto:Jones.Jim@epa.gov)>; Cleland-Hamnett, Wendy <[Cleland-Hamnett.Wendy@epa.gov](mailto:Cleland-Hamnett.Wendy@epa.gov)>; Flattery, Priscilla <[Flattery.Priscilla@epa.gov](mailto:Flattery.Priscilla@epa.gov)>; Schmit, Ryan <[schmit.ryan@epa.gov](mailto:schmit.ryan@epa.gov)>; Berol, David <[Berol.David@epa.gov](mailto:Berol.David@epa.gov)>; Mclean, Kevin <[Mclean.Kevin@epa.gov](mailto:Mclean.Kevin@epa.gov)>; Distefano, Nichole <[DiStefano.Nichole@epa.gov](mailto:DiStefano.Nichole@epa.gov)>

**Subject:** RE: URGENT FW: Sen. Markey TSCA TA - Senate section 4

Assuming this would be a change to the Senate bill, this seems appropriate and truly conforming. The provision of CERCLA being amended requires ATSDR, before embarking on a program of chemical testing, to "consider the recommendations of the ITC under section 4(e) of TSCA on the types of research that should be done." This amendment would add "as in effect on the day before the date of enactment of" FRL after "TSCA". This seems appropriate, because TSCA as revised by the senate bill would no longer have a provision authorizing the ITC, and the new section 4(e) would have nothing to do with the ITC.

*Brian Grant*

EPA Office of General Counsel  
202-564-5503

---

**From:** Kaiser, Sven-Erik

**Sent:** Wednesday, February 10, 2016 3:43 PM

**To:** Jones, Jim <[Jones.Jim@epa.gov](mailto:Jones.Jim@epa.gov)>; Cleland-Hamnett, Wendy <[Cleland-Hamnett.Wendy@epa.gov](mailto:Cleland-Hamnett.Wendy@epa.gov)>; Flattery, Priscilla <[Flattery.Priscilla@epa.gov](mailto:Flattery.Priscilla@epa.gov)>; Schmit, Ryan <[schmit.ryan@epa.gov](mailto:schmit.ryan@epa.gov)>; Berol, David <[Berol.David@epa.gov](mailto:Berol.David@epa.gov)>; Grant, Brian <[Grant.Brian@epa.gov](mailto:Grant.Brian@epa.gov)>; Mclean, Kevin <[Mclean.Kevin@epa.gov](mailto:Mclean.Kevin@epa.gov)>; Distefano, Nichole <[DiStefano.Nichole@epa.gov](mailto:DiStefano.Nichole@epa.gov)>

**Subject:** URGENT FW: Sen. Markey TSCA TA - Senate section 4

Michal would like the rest of the **Section 4 TA by 4:30pm today** if possible – see request below. Thanks,  
Sven

---

Someone has just proposed the following savings clause to be added to the end of section 4. I do not know whether it is truly conforming and am also not sure what it is intended to accomplish. Can you pls check it out?

(b) Conforming Amendment.—Section 104(i)(5)(A) of the Comprehensive[A2] Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(5)(A)) is amended in the third sentence by inserting “(as in effect on the day before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act)” after “Toxic Substances Control Act[A3] ”.

---

**From:** Freedhoff, Michal (Markey) [<mailto:Michal.Freedhoff@markey.senate.gov>]

**Sent:** Wednesday, February 10, 2016 3:39 PM

**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>

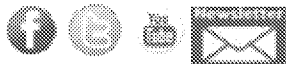
**Subject:** RE: Sen. Markey TSCA TA - Senate section 4

Sven, it would be great to get the rest of the section 4 stuff before 4:30. Thank you.

Michal Ilana Freedhoff, Ph.D.

Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

**Connect with Senator Markey**



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 11/22/2016 7:01:11 PM  
**To:** Jackson, Ryan (Inhofe) [Ryan\_Jackson@inhofe.senate.gov]; Bodine, Susan (EPW) [Susan\_Bodine@epw.senate.gov]  
**Subject:** RE: TSCA New Chemicals Briefing

One of my favorite rooms on the hill – I expect we'll be spending some time there in the coming year with a slate of new nominees. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Jackson, Ryan (Inhofe) [mailto:Ryan\_Jackson@inhofe.senate.gov]  
**Sent:** Tuesday, November 22, 2016 1:59 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Bodine, Susan (EPW) <Susan\_Bodine@epw.senate.gov>  
**Subject:** RE: TSCA New Chemicals Briefing

406 Dirksen, of course.

---

**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Tuesday, November 22, 2016 1:30 PM  
**To:** Jackson, Ryan (Inhofe); Bodine, Susan (EPW)  
**Subject:** RE: TSCA New Chemicals Briefing

Ok - I'll focus on Mon, Dec 12. Is there a room you would suggest – we can do anytime between 1 and 4pm.  
Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
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**Sent:** Tuesday, November 22, 2016 1:24 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Bodine, Susan (EPW) <Susan\_Bodine@epw.senate.gov>  
**Subject:** RE: TSCA New Chemicals Briefing

We would love to do that. I think Monday afternoon would be better. Friday the 9<sup>th</sup> may be the last day of session and this place may be crazy town.

---

**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Tuesday, November 22, 2016 1:08 PM  
**To:** Jackson, Ryan (Inhofe); Bodine, Susan (EPW)  
**Subject:** TSCA New Chemicals Briefing

Ryan and Susan,

I'm checking on the possibility of an EPA briefing on the TSCA new chemicals review program in early December. I've heard interest from both sides and both houses, so if possible, we would prefer to have a joint House and Senate staff briefing. We'd like to have it before the Weds, Dec 14 public meeting on the new chemicals program - best days for us look like either Fri, Dec 9 or Mon, Dec 12. Thoughts? Thanks, Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

**From:** Kaiser, Sven-Erik

**Sent:** Thursday, November 17, 2016 8:21 AM

**Subject:** Notification: EPA Announces Public Meeting on TSCA New Chemicals Review - December 14

Heads up that EPA is holding a meeting to update the public on changes to the TSCA New Chemicals Review Program on Weds, Dec 14. EPA will describe the review process for new chemicals under the amended statute, as well as discuss issues, challenges, and opportunities that the agency has identified in the first few months of implementation. Interested parties will have the opportunity to provide input on their experiences with the New Chemicals Review Program, including submittal of pre-manufacture notices (PMNs), microbial commercial activities notices (MCANs), and significant new use notices (SNUNs), under section 5 of the law. Information obtained during this meeting and from submitted written comments will be considered as EPA implements the new requirements and increases efficiency in its review process under TSCA.

Register for the meeting in advance: We ask that you please register for this meeting by December 13, 2016.

**Date and Time:** Wednesday, December 14, 2016, from 9:00 a.m. to 12:00 p.m.

**Location:** The Ronald Reagan Building and International Trade Center, Polaris Room, 1300 Pennsylvania Avenue Northwest, Washington, DC 20004

**Docket number to submit written comments:** EPA-HQ-OPPT-2016-0658 (Docket will be open prior to and remain open after the meeting.)

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 2/10/2016 9:24:10 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** FW: URGENT FW: Sen. Markey TSCA TA - Senate section 4

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Sven

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Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**From:** Grant, Brian  
**Sent:** Wednesday, February 10, 2016 3:58 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Jones, Jim <Jones.Jim@epa.gov>; Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>; Flattery, Priscilla <Flattery.Priscilla@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Berol, David <Berol.David@epa.gov>; Mclean, Kevin <Mclean.Kevin@epa.gov>; Distefano, Nichole <DiStefano.Nichole@epa.gov>  
**Subject:** RE: URGENT FW: Sen. Markey TSCA TA - Senate section 4

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*Brian Grant*

EPA Office of General Counsel  
202-564-5503

---

**From:** Kaiser, Sven-Erik

**Sent:** Wednesday, February 10, 2016 3:43 PM

**To:** Jones, Jim <[Jones.Jim@epa.gov](mailto:Jones.Jim@epa.gov)>; Cleland-Hamnett, Wendy <[Cleland-Hamnett.Wendy@epa.gov](mailto:Cleland-Hamnett.Wendy@epa.gov)>; Flattery, Priscilla <[Flattery.Priscilla@epa.gov](mailto:Flattery.Priscilla@epa.gov)>; Schmit, Ryan <[schmit.ryan@epa.gov](mailto:schmit.ryan@epa.gov)>; Berol, David <[Berol.David@epa.gov](mailto:Berol.David@epa.gov)>; Grant, Brian <[Grant.Brian@epa.gov](mailto:Grant.Brian@epa.gov)>; Mclean, Kevin <[Mclean.Kevin@epa.gov](mailto:Mclean.Kevin@epa.gov)>; Distefano, Nichole <[DiStefano.Nichole@epa.gov](mailto:DiStefano.Nichole@epa.gov)>

**Subject:** URGENT FW: Sen. Markey TSCA TA - Senate section 4

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Sven

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**From:** Freedhoff, Michal (Markey) [[mailto:Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)]

**Sent:** Wednesday, February 10, 2016 3:39 PM

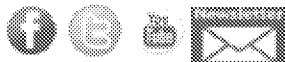
**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>

**Subject:** RE: Sen. Markey TSCA TA - Senate section 4

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Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 11/22/2016 6:44:25 PM  
**To:** Couri, Jerry [JerryCouri@mail.house.gov]; Cohen, Jacqueline [jackie.cohen@mail.house.gov]  
**Subject:** RE: TSCA New Chemicals Briefing

I was thinking book it for an hour and giving you the option of best start time. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Couri, Jerry [mailto:JerryCouri@mail.house.gov]  
**Sent:** Tuesday, November 22, 2016 1:37 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Cohen, Jacqueline <jackie.cohen@mail.house.gov>  
**Subject:** Re: TSCA New Chemicals Briefing

A 3 hour briefing?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Kaiser, Sven-Erik  
**Sent:** Tuesday, November 22, 2016 1:35 PM  
**To:** Couri, Jerry; Cohen, Jacqueline  
**Subject:** TSCA New Chemicals Briefing

Jerry and Jacqueline,  
I'm checking on the possibility of an EPA briefing on the TSCA new chemicals review program in early December. I've heard interest from both sides and both houses, so if possible, we would prefer to have a joint House and Senate staff briefing. We'd like to have it before the Weds, Dec 14 public meeting on the new chemicals program (below). The best day for the briefing looks like 1-4 pm on Mon, Dec 12. Thoughts?  
Thanks,  
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Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**Sent:** Thursday, November 17, 2016 8:21 AM  
**Subject:** Notification: EPA Announces Public Meeting on TSCA New Chemicals Review - December 14

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**Date and Time:** Wednesday, December 14, 2016, from 9:00 a.m. to 12:00 p.m.

**Location:** The Ronald Reagan Building and International Trade Center, Polaris Room, 1300 Pennsylvania Avenue Northwest, Washington, DC 20004

**Docket number to submit written comments:** EPA-HQ-OPPT-2016-0658 (Docket will be open prior to and remain open after the meeting.)



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 11/22/2016 6:35:33 PM  
**To:** JerryCouri@mail.house.gov; Cohen, Jacqueline [jackie.cohen@mail.house.gov]  
**Subject:** TSCA New Chemicals Briefing

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Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

**From:** Kaiser, Sven-Erik  
**Sent:** Thursday, November 17, 2016 8:21 AM  
**Subject:** Notification: EPA Announces Public Meeting on TSCA New Chemicals Review - December 14

Heads up that EPA is holding a meeting to update the public on changes to the TSCA New Chemicals Review Program on Weds, Dec 14. EPA will describe the review process for new chemicals under the amended statute, as well as discuss issues, challenges, and opportunities that the agency has identified in the first few months of implementation. Interested parties will have the opportunity to provide input on their experiences with the New Chemicals Review Program, including submittal of pre-manufacture notices (PMNs), microbial commercial activities notices (MCANs), and significant new use notices (SNUNs), under section 5 of the law. Information obtained during this meeting and from submitted written comments will be considered as EPA implements the new requirements and increases efficiency in its review process under TSCA.

Register for the meeting in advance: We ask that you please register for this meeting by December 13, 2016.

**Date and Time:** Wednesday, December 14, 2016, from 9:00 a.m. to 12:00 p.m.

**Location:** The Ronald Reagan Building and International Trade Center, Polaris Room, 1300 Pennsylvania Avenue Northwest, Washington, DC 20004

**Docket number to submit written comments:** EPA-HQ-OPPT-2016-0658 (Docket will be open prior to and remain open after the meeting.)

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 11/22/2016 6:29:31 PM  
**To:** Jackson, Ryan (Inhofe) [Ryan\_Jackson@inhofe.senate.gov]; Bodine, Susan (EPW) [Susan\_Bodine@epw.senate.gov]  
**Subject:** RE: TSCA New Chemicals Briefing

Ok - I'll focus on Mon, Dec 12. Is there a room you would suggest – we can do anytime between 1 and 4pm.  
Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**From:** Jackson, Ryan (Inhofe) [mailto:Ryan\_Jackson@inhofe.senate.gov]  
**Sent:** Tuesday, November 22, 2016 1:24 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Bodine, Susan (EPW) <Susan\_Bodine@epw.senate.gov>  
**Subject:** RE: TSCA New Chemicals Briefing

We would love to do that. I think Monday afternoon would be better. Friday the 9<sup>th</sup> may be the last day of session and this place may be crazy town.

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**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Tuesday, November 22, 2016 1:08 PM  
**To:** Jackson, Ryan (Inhofe); Bodine, Susan (EPW)  
**Subject:** TSCA New Chemicals Briefing

Ryan and Susan,  
I'm checking on the possibility of an EPA briefing on the TSCA new chemicals review program in early December. I've heard interest from both sides and both houses, so if possible, we would prefer to have a joint House and Senate staff briefing. We'd like to have it before the Weds, Dec 14 public meeting on the new chemicals program - best days for us look like either Fri, Dec 9 or Mon, Dec 12. Thoughts? Thanks,  
Sven

Sven-Erik Kaiser  
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1200 Pennsylvania Ave., NW (1305A)  
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with the New Chemicals Review Program, including submittal of pre-manufacture notices (PMNs), microbial commercial activities notices (MCANs), and significant new use notices (SNUNs), under section 5 of the law. Information obtained during this meeting and from submitted written comments will be considered as EPA implements the new requirements and increases efficiency in its review process under TSCA.

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**Location:** The Ronald Reagan Building and International Trade Center, Polaris Room, 1300 Pennsylvania Avenue Northwest, Washington, DC 20004

**Docket number to submit written comments:** EPA-HQ-OPPT-2016-0658 (Docket will be open prior to and remain open after the meeting.)

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 11/22/2016 6:08:11 PM  
**To:** Jackson, Ryan (Inhofe [Ryan\_Jackson@inhofe.senate.gov]); Susan\_Bodine@epw.senate.gov  
**Subject:** TSCA New Chemicals Briefing

Ryan and Susan,

I'm checking on the possibility of an EPA briefing on the TSCA new chemicals review program in early December. I've heard interest from both sides and both houses, so if possible, we would prefer to have a joint House and Senate staff briefing. We'd like to have it before the Weds, Dec 14 public meeting on the new chemicals program - best days for us look like either Fri, Dec 9 or Mon, Dec 12. Thoughts? Thanks, Sven

Sven-Erik Kaiser  
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Office of Congressional and Intergovernmental Relations  
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**Sent:** Thursday, November 17, 2016 8:21 AM  
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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 1/15/2016 6:52:54 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey TSCA TA request- section 5 scope of preemption

Michal – got it – checking on the response. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Friday, January 15, 2016 1:22 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** TA request- section 5 scope of preemption

Sven

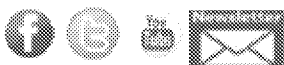
I'm interested in seeing whether there are any real-world examples that could illustrate potential problems with House scope of preemption for new chemicals.

Are there examples of chemicals that EPA imposed some sort of restriction on (either through a PMN consent agreement with a single manufacturer or through a SNUR to all potential manufacturers of that chemical) that, after EPA obtained more data once the chemical had been in commerce for some time, turned out to pose much greater or different risks than EPA initially believed existed at the time the first PMN was submitted/reviewed? Were any of these chemicals subsequently regulated by States once these added/new risks became known? Any and all examples are welcome – I'm trying to turn my concerns about that House provision into a real world example if one or more exist.

Thanks  
Michal

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 11/21/2016 4:18:01 PM  
**To:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** TSCA New Chemicals Briefing

Jonathan – I'm following up on the possibility of having a hill briefing on the TSCA new chemicals review program in early December. There is bicameral and bipartisan interest in section 5 implementation, so for efficiency we would prefer to have a joint House and Senate staff briefing (we have info requests from Jerry Couri and Jacqueline Cohen). We'd like to have it before the Weds, Dec 14 public meeting - best days for us look like either Fri, Dec 9 or Mon, Dec 12. Thoughts? Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
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202-566-2753

Message

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**Sent:** 1/13/2016 8:12:19 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** RE: Sen. Udall TA Request on Solid Waste Disposal

Ok - that helps. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**From:** Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
**Sent:** Wednesday, January 13, 2016 3:11 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** RE: Sen. Udall TA Request on Solid Waste Disposal

Low priority

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**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Wednesday, January 13, 2016 3:11 PM  
**To:** Black, Jonathan (Tom Udall) <Jonathan\_Black@tomudall.senate.gov>  
**Subject:** Sen. Udall TA Request on Solid Waste Disposal

Jonathan,  
Got it – checking. Timing on response? Thanks,  
Sven

Sven-Erik Kaiser  
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**Sent:** Wednesday, January 13, 2016 3:01 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** Solid Waste Disposal

Hi Sven,

Attached are the Committee reports for the House and Senate TSCA bills. I'm curious if EPA has any comments on the direction both have taken about the disposal of chemicals and which statute should take precedence.

I'm also curious about what legislative language would look like in the event one were to propose clarification in statute that the Solid Waste Disposal Act should take precedence.

Thanks,  
---Jonathan



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 1/13/2016 8:11:04 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Sen. Udall TA Request on Solid Waste Disposal

Jonathan,  
Got it – checking. Timing on response? Thanks,  
Sven

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